



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

For: **TISSUE SITE MARKERS FOR IN VIVO
IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

) Examiner: Not yet assigned

) Group Art Unit: Not yet assigned

) **TRANSMITTAL**

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this paper is being deposited in the U.S. Postal Service as first class mail with sufficient postage addressed to
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/12/03, in San Francisco, CA.

By: *[Signature]*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are

- X Information Disclosure Statement;
- X International Search Report;
- X Form PTO-1449; and
- X Return receipt postcard.

2. Payment of Fees

- X There is no fee due with this communication.
- X The Commissioner is authorized to charge any fees due and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367.01601.
A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

By: *[Signature]*

Edward J. Lynch
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) **INFORMATION**
) **DISCLOSURE STATEMENT**
)

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Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449 form and request that they be considered by the Examiner. Each item of information contained in the Information Disclosure Statement was cited in copending U.S. application Serial No. 09/717,909 and in an International Search Report from a foreign patent office on a related foreign application not more than three months prior to the filing of this Statement. A copy of the cited references in the attached are enclosed herewith.

This request is being submitted under 37 C.F.R. §1.97(b)(3), therefore no fee is due. The Commissioner is authorized to charge any fees due and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367.01601.

Respectfully submitted,

By: *[Signature]*

Edward J. Lynch
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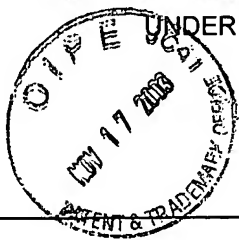
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97, and §1.98

PTO-1449 FORM

SHEET 1 OF 1



ATTORNEY DOCKET NO.:

R0367-01601

SERIAL NO.:

10/658,911

APPLICANTS:

Burbank et al.

EXAMINER

Not yet assigned

FILING DATE:

September 10, 2003

GROUP ART UNIT:

Not yet assigned

U.S. PATENT DOCUMENTS

| † EX'R INITIAL | *REF. # | PATENT NUMBER | DATE (MO/YR) | NAME | U.S. CLASS/ SUBCLASS | FILING DATE (If appropriate) |
|-------------------|---------|---------------|--------------|------------------|-------------------------|------------------------------------|
| | *A61 | 5,508,021 | 4/96 | Grinstaff et al. | | |
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FOREIGN PATENT DOCUMENTS

| † EX'R INITIAL | *REF. # | PATENT NUMBER | DATE (MO/YR) | COUNTRY | TRANSLATION (YES/NO) | |
|-------------------|---------|---------------|--------------|---------|-------------------------|--|
| | *B16 | WO 89 06978 A | 8/89 | WIPO | | |
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OTHER DOCUMENTS

| † EX'R INITIAL | *REF. # | Document Description (including Author, Title, Date, Pertinent Pages, Etc.) |
|-------------------|---------|---|
| | *C6 | International Search Report for PCT/US03/11767 mailed August 27, 2003. |
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EXAMINER'S SIGNATURE

DATE CONSIDERED

† EXAMINER:

Initial if reference is considered, whether or not citation is in conformance with MPEP 609.

Line through citation if not in conformance and not considered.

Include copy of this form in next communication to applicant.

* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).